

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Hirofumi HONDA

Serial No.: 09/262,595

Atty. Docket No.: 107156-09007

Filed: March 5, 1999

For: METHOD FOR INTERPOLATING A VIDEO SIGNAL

REQUEST FOR RECONSIDERATION OF
RENEWED PETITION UNDER 37 C.F.R. 1.137(b)**Mail Stop - PETITION**

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

August 15, 2008

Sir:

In response to the Decision on Petition to Revive Unintentional Abandonment under 37 C.F.R. 1.137(b) dated August 4, 2008, Applicant respectfully requests that the Examiner reconsider his decision dismissing the Petition to Revive based upon unintentional abandonment in view of the following remarks.

It should be noted that contrary to the statement in the last full paragraph on page 1 of the Decision, the undersigned did in fact make the statement that the entire delay was unintentional in the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. 1.137(b) filed on July 12, 2007.

In case it is the Office's position that this statement must be made in every single paper filed, the undersigned hereby again states that the entire delay in filing the required reply from the due date of the required reply until the filing of a grantable petition was unintentional.

The facts to support petitioner's statement that the abandonment was unintentional were outlined and discussed in the Renewed Petition filed January 15, 2008. In response to the specific concerns raised in the Decision dated August 4, 2008, to the best of the undersigned's knowledge and belief, Examiners often did not act on a case within 5 to 6 months, especially during the period of 2001 - 2003. Attached as

Exhibit A is a copy of Notice in the Official Gazette of November 20, 2001, in which for Group 2610, the first actions were almost four (4) years from the filing date of an application. While it is recognized that second or subsequent actions are issued with less delay, the undersigned had no reason to believe that the issuance of a second or subsequent Office Action would occur within 5 to 6 months after the filing of the Response of November 13, 2001. Please note that the Commissioner issued several notices regarding the backlog in the Patent and Trademark Office during this time period. Additionally, it should be noted that the statement in MPEP 203.08 that "(h)owever, in the event that a six month period has elapsed, and no response from the Office is received, applicant should inquire as to the status of the application to avoid potential abandonment," was only added to the MPEP in May 2004 (See Exhibit B). Prior to that, during the period in question in this proceeding, it was not unreasonable to wait 12 to 18 months between Office Actions and/or filing of a status request.

In accordance with 37 C.F.R. 1.2, the undersigned conducted all communications with the Patent and Trademark Office in writing. After three Requests for Status remained unanswered (January 16, 2003; May 17, 2004; and November 18, 2004), the undersigned contacted on or about April 15, 2005, the Examiner who had issued the first Office Action in the subject application to determine the status of the subject application. The reason it is believed that the undersigned contacted the Examiner directly, was to attempt to find out why the status inquiries had not been answered. While there is no documentary evidence concerning this in the file of the undersigned, it is believed that the matters discussed included the status of the application, and after being told that it was abandoned, the reason for the abandonment, namely, the failure to pay the Issue Fee in response to the Notice of Allowance dated September 3, 2001. As to why such a telephone inquiry was not attempted earlier, please see above with respect to the filing of Requests for Status.

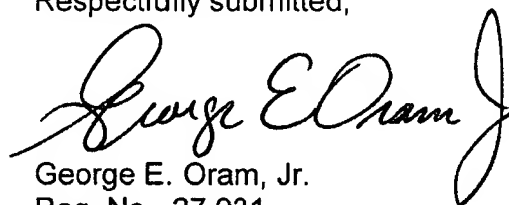
It should be noted that following the revision of MPEP 203.08, the follow-up status request of November 18, 2004, was six (6) months from the prior one and that the call to the Examiner and subsequent Petition to Withdraw the Holding of Abandonment filed April 25, 2005, was less than six (6) months from the prior status

request. It also should be noted, that the Office never replied in any manner to any of the Requests for Status that were filed.

Based upon the facts set forth above, the undersigned submits that there were good-faith attempts made in advising the Patent and Trademark Office of the undersigned's new address and obtaining the status of the application, however the unresponsiveness on the part of the Patent and Trademark Office contributed to the delay in filing the Petition to Revive based upon unintentional abandonment. Further, it is contended that the appropriate diligence was exercised in view of the requirements of MPEP in effect at the time of those efforts.

In the event that any fees are due with respect to this paper, please charge our Deposit Account No. 01-2300, referencing Atty. Docket No. 107156-09007.

Respectfully submitted,


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GEO:mmg

Encls:

- Exhibit A Notice in the Official Gazette of November 20, 2001
- Exhibit B Page 200-97, MPEP, May 2004, Rev. 2